

COMPLIANCE PROCEDURES MANUAL

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COMPLIANCE PROCEDURES MANUAL

The Compliance Procedures Manual describes procedures used by the Database and Administration Team to monitor compliance with TPDES permits. The manual is intended to be used as a reference guide for Database and Administration staff.

This manual or guide is meant to be flexible allowing modification or updating should program needs, scope, and/or resources change. This manual does not supersede or replace any existing documents as it is only an internal guidance document which outlines certain procedures to be used by the Database and Administration Team to accomplish the main objective of the Texas Pollutant Discharge Elimination System (TPDES) program. If changes in needs, structure or resources occur, management will modify this manual in accordance with EPA approval.

I. PERMIT COMPLIANCE SYSTEM DATABASE DESCRIPTION

The Permit Compliance System (PCS) is a computer database that is used to track information on TPDES permits and the pretreatment program. The Database and Administration Team will update and maintain all Water Enforcement National Data Base (WENDB) data elements in PCS, except for the general descriptive information, permit facility, outfall schedule data, parameter limits data, permit event data and evidentiary hearing data which is updated and maintained by the Application Team in the Permits Section, and receive reports from this database. The following data will be maintained for use on PCS:

PERMIT COMPLIANCE SYSTEM DATABASE DESCRIPTION

The Permit Compliance System (PCS) is a computer database that is used to track information on TPDES permits and the pretreatment program. The Database and Administration Team will enter all Water Enforcement National Data Base (WENDB) data elements in PCS, except for the general descriptive information, permit event data and evidentiary hearing data which will be updated and maintained by the Applications Team in the Wastewater Permits Section, and receive reports from this database. The following data will be maintained for use on PCS:

Table 6.1 - PCS Data Types

DATA TYPE NAME	DESCRIPTION
PERMIT FACILITY DATA	General descriptive information on each permitted facility such as its name, address, classification and design flow rate. Permit facility data elements occur once only in a facility's permit file; data elements of other types may occur more than once. Because it contains the basic information regarding a permitted facility, permit facility data is the one data type that belongs to all families of logically related data types. Data is entered within five (5) working days of receipt of permit application and permit issuance.
OUTFALL SCHEDULE DATA	Detailed information describing each outfall within a permitted facility and the discharge monitoring requirements associated with each, such as the latitude and longitude coordinate location for each outfall, effluent waste type(s), treatment type(s), and limit start and end dates-initial, interim, or final. Outfall schedule level data elements typically occur as many times in each permit file as there are outfalls within the facility. Outfall schedule data belongs to a family of logically related data types that includes permit facility data, parameter limits data, and measurement violation data. Data is entered within thirty (30) days of permit issuance.

PARAMETER LIMITS DATA	<p>Detailed information specifying the monitoring requirements associated with each outfall within a permitted facility such as the monitoring location, the parameter to be monitored, the required frequency of analysis, the units in which the measurements are expressed, and the quantity and concentration limits for each parameter. Parameter limits level data elements typically occur as often for each outfall as there are parameters to be monitored at the outfall. Parameter limits data belongs to a family of logically related data types that includes permit facility data, pipe schedule data, and measurement violation data. Data is entered within thirty (30) days of permit issuance or issuance of enforcement actions.</p>
COMPLIANCE SCHEDULE DATA	<p>Information related to a schedule of milestone events that a permitted facility must accomplish in order to upgrade the quality of its effluent discharge when that has been established as a condition of the facility's being granted a permit. Compliance schedule data tracks the scheduled versus achieved dates for each milestone event and belongs to a logically related family of data types that includes permit facility data and compliance schedule violation data. Data is entered within thirty (30) days of permit issuance, within ten (10) working days of schedule establishment in an enforcement order, or within five (5) days of notification of completion.</p>
COMPLIANCE SCHEDULE VIOLATION DATA	<p>Information related to violations of the compliance schedule where applicable to a facility, whether from failure to meet a milestone date or failure to submit required report data. Compliance violation data belongs to the family of logically related data types that includes permit facility data and compliance schedule data. Data is system generated.</p>

ENFORCEMENT ACTION DATA	Data related to enforcement actions that have been taken in response to violations of effluent parameter limits, non-receipt of DMRs, or failure to meet compliance schedule milestones, including the event(s) in violation and date(s) of occurrence, the type of enforcement action(s) and the date(s) they were taken, the current status of each action, etc. Enforcement action data and permit facility data make up a distinct family of logically related data types. Data is entered within ten (10) working days of the enforcement action.
ENFORCEMENT ACTION KEY DATA	Information that describes the specific violation/deficiency that caused the initiation of formal enforcement action. Data is entered with ten (10) working days of the enforcement action.
SINGLE EVENT VIOLATION DATA	Information describing violations not related to effluent limits or compliance schedules, i.e., unauthorized bypasses or discharges, violations documented during inspections, unpermitted discharges, etc. Data is entered within five (5) working days of notification of the violation event.
PRETREATMENT SUMMARY DATA	Information included in the pretreatment summary data describes the status of an approved pretreatment program. It discusses in an annual report form, program implementation, enforcement activities, significant industrial users (SIUs) information, SIU significant noncompliance information, sludge, influent, and effluent analysis, a pretreatment performance summary and a program update. Data is entered within thirty (30) working days of receipt of the pretreatment annual report.

INSPECTION DATA	Information describing inspections that have been performed at a permitted facility, including the date of the inspection, the type of inspection, whether the inspection was state, federal or joint performed, and other relevant comments. Inspection data and permit facility data make up a distinct family of logically related data types. Data is entered within ten (10) working days of receipt of the inspection report.
PRETREATMENT COMPLIANCE INSPECTION (PCI) AND PRETREATMENT AUDIT DATA	Information about pretreatment compliance inspections and pretreatment audits that have been performed at a permitted facility, including the date of the inspection or audit, the type of evaluation and by whom it was performed, and relevant comments, deficiencies, and/or violations on program implementation and operation. Pretreatment data make up a distinct family of logically related data within the inspection data category. Data is entered within ten (10) working days of receipt of the audit or inspection report.
PERMIT EVENT DATA	Information tracking the events relating to the issuance of a permit from initial receipt of the application for a permit through actual permit issuance. Permit event data and permit facility data together make up a distinct family of logically related data types. Data is entered within five (5) working days of date of receipt of permit application and permit issuance.
EVIDENTIARY HEARING DATA	Data related to evidentiary hearings held to appeal or negotiate limits, compliance schedule requirements or other permit conditions. Evidentiary hearing data and permit facility data make up a distinct family of logically related data types. Data is entered within five (5) working days of the hearing date.

DISCHARGE MONITORING REPORT (DMR) DATA	Specific data received from the permittee on a monthly basis, reporting, in terms of numerical criteria, the quality of effluent being discharged from the facility. The data submitted includes those parameters required to be analyzed by the Commission, and stated in the permit to ensure that treatment at the facility is consistent with design criteria which in turn ensures the effluent discharged complies with the minimum limits necessary to meet water quality standards designated for the receiving waters into which the facility discharges. Review of DMR data includes a review of system generated violation information. Data is entered within ten (10) days of receipt of the reports.
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The Permit Compliance System tracks all the data elements comprising the Water Enforcement National Data Base (WENDB). By tracking these data elements, PCS is able to generate a number of important reports, such as the Quarterly Noncompliance Report (QNCR) (see Section V, Preparation of the Quarterly Noncompliance Report (QNCR)).

Permit data entered into PCS will consist of general permit information (information which normally does not change), permit effluent data, pretreatment data, biomonitoring data (if the permittee is required to biomonitor), sludge data, and stormwater data (within 5 years). General permit information consists of such things as permit number, name of permit holder, address and location, telephone number, river basin, stream segment, county code, and so forth. Permit effluent data consists of permitted effluent conditions. Pretreatment data consists of pretreatment compliance inspections (PCIs), pretreatment audits and annual reports/pretreatment performance summaries

(PPS). Biomonitoring data consists of the type of species used, the type of test performed, and whether the permittee passed or failed the test. Sludge data consists of heavy metals levels, pathogen alternative and vector attraction reduction. Stormwater data consists of permitted effluent conditions.

II. PROCEDURES FOR PCS MAINTENANCE

This section discusses the procedures involved in the evaluation of reports and other data, the flow of information from receipt of source document to enforcement review, and the procedures for entry of data into PCS. The initial enforcement review is made utilizing the Violation Review Action Criteria (VRAC) and the Enforcement Guidelines, see Appendix 6-A. The Enforcement Guidelines are used to determine appropriate response for a TPDES permit violation.

It is the duty of the Database and Administration Team staff and the Applications Team staff to coordinate the TPDES administrative and data entry functions to ensure that all data is entered into PCS accurately and timely. The PCS Data Base Administrator is responsible for coordinating QA/QC procedures, and acts as liaison between the EPA and the TNRCC in matters relating to operation and maintenance of PCS.

Database and Administration Team staff and Application Team staff members will prepare data for entry into PCS by filling out data entry code sheets. It is the responsibility of the administrative support staff to code or screen for accurate data and submit the code sheets to the data entry staff

in a timely manner. It is the responsibility of the data entry staff to enter the data into PCS correctly and quickly, communicating with the administrative support staff or originator of the data when errors occur. The data entry staff will also work with individual administrative support and technical staff to develop required reports from PCS which will help the staff in their work and in their efforts to keep PCS accurate.

A. PERMIT FACILITY LEVEL DATA

The Wastewater Permits Section Applications Team receives permit applications for new, renewed or amended permits, including technical data from applicants and reviews them for administrative completeness within 10 working days of receipt. When an application is declared administratively complete, a permit writer is assigned and a detailed technical review of the application commences. The date the application is declared administratively complete and the name of the permit writer assigned to the permit application will be entered into PCS by the Applications Team. Upon completion of the technical review, the permit writer will prepare a draft permit. Once the draft permit has been completed and has received all necessary approvals, it is routed back to the Applications Team and sent to the Office of the Chief Clerk (OCC) for Public Notice/Public Hearing.

The Applications Team is responsible for entering the WENDB data elements in PCS for the general information about the facility, including the facility name, address, and type of ownership, and information about the permit application, including the date the application

is declared administratively complete and the name of the permit writer assigned to the permit application. The Applications Team is also responsible for entering the WENDB data elements for the Permit Event Data, including the date the draft permit is sent to the OCC, as well as other information related to a Public Hearing, such as the Administrative Law Judge assigned to the case and the date of hearing.

The Database and Administration Team is responsible for entering other facility level data related to the DMR, such as the DMR mailing address, telephone number and signatory authority. The designated support staff receives correspondence and DMR address changes from the facility and verifies the TPDES permit number and signatory authority. The document is then sent to the data entry staff for entry into PCS using PCS-ADE. If any warning messages are noted during data entry, they are reviewed with the designated support staff and any necessary corrections are made. Following completion of data entry, an Update Audit Report is used by the data entry staff to verify accepted transactions and correct any errors. The document is then returned to the designated support staff with an updated PCS printout to perform quality control. The designated support staff then forwards the document to Record Services for placement in the permittees's file.

B. PERMIT PIPE SCHEDULE/LIMITS DATA

After a permit (renewed, amended, or new) is issued by Commission or the Executive Director, the OCC will forward a copy of the signed permit to the Database and Administration Team and the Applications Team staff. The permit conditions will be entered

into PCS by the Applications Team within 30 days of issuance. Permits are routed from the OCC to the Database and Administration and Applications Team staff after signature. The OCC staff also insures that copies of the permit will be forwarded to the following:

- One (1) copy to the Commission Record Services permanent file.
- One (1) copy to the appropriate Commission Regional Office for use by inspectors.
- One (1) copy to the EPA, Water Quality Management Division, and one (1) copy to EPA, Compliance Assurance and Enforcement Division on a monthly basis.
- One (1) copy to the Water Quality Division, either to the Wastewater Permits Section or the Agriculture Section.

After receipt of the permit, the designated Applications Team staff codes the permit requirements and forwards code sheet to data entry staff for entry into PCS.

For new permits, the Applications Team designated administrative support staff reviews the permits, codes the Pipe Schedule Data and the Parameter Limits Data and forwards the code sheet to data entry staff for entry into PCS using PCS-ADE. For reissued or amended permits, the Applications Team administrative support staff uses a Limit Summary Report to verify limits and monitoring requirements. The Limit Summary is a PCS report showing all the limits currently in effect for a permittee. Any changes to current conditions are noted on the Limit Summary. Either the code sheet for new permits or the limit summary for reissued/amended permit is routed to the Applications Team data entry staff for entry of outfall data and effluent limits data using PCS-ADE. Following completion of data entry, the

data entry staff uses the Update Audit Report to verify accepted transactions and make necessary corrections. Data entry should be completed within 30 calendar days of permit issuance.

A new Limit Summary report is then provided to the designated Applications Team administrative support staff along with the original data entry request. The designated Applications Team administrative support staff will perform quality control review of the data in PCS for accuracy with the current permit conditions using the Limit Summary report. The information shown on the report is reflective of the parameters, limits, and monitoring requirements that will be printed on the Discharge Monitoring Reports (DMRs). Accuracy of these summaries is essential if the permittee is to receive accurate DMRs and if the data reported by the permittee is to be compared to the current permit limits. The Limit Summary Report will be used to:

- 1) check the outfall number and description to ensure that it matches the permit;
- 2) check the limits type and the start and end dates for the limits to ensure they match the permit;
- 3) verify that the parameters listed are the same as the ones in the permit;
- 4) verify that the permit limits and unit codes are correct and ensure that the values are in the right fields on the DMR;
- 5) check frequency of analysis and sample type collected for accuracy; and
- 6) check that a statistical base code is listed for each parameter.

If data changes need to be made as a result of the Limit Summary review, the Applications Team administrative support staff will complete the necessary code sheets and route to the Applications Team data entry staff for entry into PCS. When all corrections are made, the data entry staff will return the form, the requested changes, and new Limit Summary report to the Applications Team administrative support staff who will review the changes for accuracy. The new Limit Summary report will then be forwarded to the Database and Administration administrative support staff.

After receipt of the permit, the designated administrative support staff on the Database and Administration Team sets up an individual file that will contain pertinent permit information, including the Facility Report, Limits Summary Report, schedules of compliance, Administrative Orders (AOs), and the Violation Summary Log (See Appendix A, Sample Reports/Logs).

Note: It will be necessary to replace the Limit Summary report in the individual file as corrections are made, a new permit is issued, or a new AO or Agreed Final Judgement (AFJ) is issued. Never have several summaries on the same facility. Staff should be able to locate the facility in question unassisted and be assured that any information in the individual file is the current information on that facility.

Accuracy is essential on these summaries. Permittees should not have to contact the administrative support staff person assigned to the case to inform them that the preprinted

DMR forms are incorrect. If the Applications Team staff have done their job correctly, the right limits are in the PCS.

C. DISCHARGE MONITORING REPORT (DMR) DATA

Each permit designates the monitoring and reporting requirements specific to a facility. It specifies the effective dates of the limits, the parameters to be tested, the applicable limits for each parameter, and the frequency of analysis and sample type for monitoring.

This information is then summarized and submitted to the Commission on a pre-printed Discharge Monitoring Report (DMR) (EPA Form 3320-1) form or an exact replica of the EPA form, if approved by the Commission. All permittees that are tracked in PCS (majors, significant minors, and 92-500 minors) are required to submit their DMRs by the twentieth (20th) day of the month following the monitoring period. An annual supply of pre-printed DMRs will be provided to the major, significant minor and 92-500 facilities two months prior to the permit expiration date.

The DMR data for the major, significant minor and 92-500 minors will be entered into PCS within 10 days of receipt of the DMR form. The DMRs are processed as described below, and as shown in Figure 1:

1. The data entry staff separates the TPDES program permittees from the other

permitted facilities required to report and date stamps the reports.

2. The data entry staff conducts the initial screening of the DMRs to determine if the DMRs were postmarked on or before the twentieth (20th) day of the month and if they are complete. If yes, the envelope is discarded. If not, the envelope and a copy of the DMR is routed to the designated administrative support staff. If the DMR is incomplete or does not contain the appropriate signatures, a copy of the DMR is also forwarded to the designated administrative support staff for appropriate action.
3. The administrative support staff will then note the violation(s) in the Violation Summary Log, prepare a letter to the permittee informing them of the violation(s) and/or request that a corrected DMR be submitted.
4. The data entry staff enters the DMR data into PCS using PCS-Entry and runs a Dummy Edit Audit Report to review for rejected data. Following live edit submittal, an Update Audit Report is used by the data entry staff to verify accepted transactions and correct data. Following correction of data, the transaction file is updated into the PCS database. The DMR will then be forwarded to the designated administrative support staff with an updated PCS report. The administrative support staff performs quality control of the DMR and PCS to ensure that data has been accurately entered and to confirm that all effluent violations have been addressed. The following conditions are checked during QC:
 - a. Check to ensure all outfalls were entered correctly.
 - b. Check to ensure all parameters with STORET numbers at each outfall were entered correctly.

- c. Check to ensure reported data was entered correctly and in the correct field.
 - d. Check all specific data element codes (E90s) to confirm effluent violations. If there are daily average violations and/or daily maximum violations apply VRAC.
 - 1. If they are not significantly noncompliant but do exceed VRAC, refer to the Water Quality Team for action.
 - 2. If they are significantly noncompliant and have not been addressed previously, route the file to the Water Quality Team for formal enforcement action.
 - e. Check all E00s to ensure that they are not effluent violations. If there is a discrepancy, check the Limit Summary to be sure the limits in PCS are correct.
 - f. Make any corrections necessary on the PCS code sheet and return to the data entry staff.
 - g. If there are any violations that do not exceed VRAC and have not been addressed, the administrative support staff will address them at this time. If any parameter is not reported, the data should be requested from the permittee immediately upon discovery by the administrative support staff.
5. If corrections to PCS are necessary, a copy of the corrected printout as well as the original printout reviewed will be returned to the administrative support staff after the

changes have been completed. When the DMR and PCS have been deemed accurate and complete, the DMR is filed in the records management area of the Database and Administration Team.

6. The administrative staff will prepare a letter to the permittee requesting the DMRs if the forms have not been received within thirty (30) days of due date.
7. If a permittee fails to submit a complete, acceptable DMR by the required date, the administrative staff will refer the permit to the Water Quality Team for appropriate action to resolve the violation. The flow chart for the data entry process is found in Figure 1.

D. COMPLIANCE SCHEDULE DATA

Compliance schedules are a sequence of remedial actions to be accomplished by the permittee and can be contained in the TPDES permit or in an enforcement action. Each schedule will culminate in a set of specific requirements necessary to attain an operational level and achieve final compliance with all applicable permit limits and/or pretreatment requirements. PCS is used to track the scheduled events and the actual achievement dates. Compliance schedule violations are automatically determined from this information.

Permits

The designated administrative support staff will review permits to determine if a schedule of compliance exists. When a schedule of compliance is included in the permit, the administrative support staff will prepare and submit the appropriate code sheet to the data

entry staff for entry into PCS using PCS-ADE. Any warning messages encountered during data entry will be discussed with the administrative support staff, and data entry staff will make appropriate corrections. Following data entry, the data entry staff will use the Update Audit Report to verify accepted transactions and resolve and correct errors. The code sheet is then returned to the administrative support staff along with an updated PCS printout to perform quality control. Data entry will be complete within 30 days of permit issuance.

The administrative support staff will also document the reports required and associated due dates in the individual file. The administrative support staff will review the compliance schedules for each of the assigned facilities at least once per month to determine if all actions have been completed and all reports have been submitted. Any reports or actions found to be delinquent by fourteen (14) days after the due date, will be noted on the Violation Summary Log and will be addressed by the administrative support staff through a warning letter. Any reports or actions which are delinquent by more than thirty (30) days will be referred to the Water Quality Team for enforcement action. The designated Water Quality Team staff will determine if formal administrative enforcement action will be initiated, complete the necessary code sheets and forward to the administrative support staff for entry into PCS and the Violation Summary Log.

When a compliance schedule report or notification of actions taken is received from a permittee under a permit initiated compliance schedule, the administrative support staff enters the received date into the individual file and PCS, within five (5) working days, and reviews

the submittal to determine if it meets the requirements and intent of the schedule. Should the submittal not meet the compliance schedule requirements, the administrative support staff will address the issue through a letter to the permittee.

If the facility is under formal enforcement, the report will be forwarded to the Water Quality Team for review and/or action. If the submittal does not meet the compliance schedule requirements, correspondence addressing the violation will be coordinated with the designated Water Quality Team staff. The report will then be forwarded to the permittee's Record Services file.

Enforcement

All new and amended formal administrative enforcement actions will be forwarded by the Water Quality Team to the designated administrative support staff who reviews the document to determine if a schedule of compliance exists. PCS and the Violation Summary Log will then be updated in the same manner as described for permit compliance schedules above. Data entry of compliance schedule data will be completed with ten (10) working days of schedule establishment. Responses submitted pursuant to AOs or AFJs will be received by the designated Water Quality Team staff for review and approval, which should be completed within thirty (30) days of receipt of the response. Upon receipt, the Water Quality Team staff will complete the appropriate code sheet and forward it to the administrative support staff for entry of the receipt date into PCS and the Violation Summary Log. Data entry will be completed with five (5) working days of receipt of the response. If the response received is

administratively or technically unsatisfactory, the Water Quality Team staff will draft the appropriate letter to the permittee and route it through the administrative support staff for noting on the Violation Summary Log and in PCS. The Water Quality Team staff will then forward the report to the permittee's Record Services file.

E. ENFORCEMENT ACTION DATA

This type of data includes information related to enforcement actions taken against a facility that fails to meet the terms and/or conditions of its permit. All enforcement actions are entered into PCS by the Database and Administration Team, including phone calls for incomplete/deficient DMRs, warning letters, requests for delinquent schedule reports, enforcement meetings and formal actions.

AOs and AFJs are legally enforceable instruments which may be issued to a permittee who is not meeting the terms and conditions of its permit, statutes and/or rules. A copy of the AOs and AFJs will be forwarded by the Water Quality Team staff to the designated administrative support staff within 5 days of receipt from the OCC. The designated administrative support staff will review the documents, code the milestone dates and route the code sheet to the data entry staff. The data entry staff will then update PCS using PCS-ADE to reflect these changes. Any warning messages encountered during data entry will be discussed with the designated administrative support staff and data entry staff will make appropriate corrections. Data entry staff uses an Update Audit Report to verify accepted

transactions and corrects errors. The document is then returned to the administrative support staff with an updated PCS printout. The administrative support staff performs quality control by reviewing the changes for accuracy and updates the Violation Summary Log to reflect the order requirements. If data changes need to be made as a result of the review, the administrative support staff will complete the necessary code sheets and route to the data entry staff. When a quality control check has been completed by the administrative support staff, the documents will be forwarded to the permittee's Record Services file.

The material received as a result of the requirements of an AO or AFJ will be received initially by the Water Quality Team staff for review to insure accuracy and completeness of the information. The designated Water Quality Team staff will complete code sheets and forward to the designated administrative support staff and advise the administrative support staff if further action is necessary. The administrative support staff will forward the code sheet for data entry. The data entry staff will then update PCS using PCS-ADE to reflect these changes. Any warning messages encountered during data entry will be reviewed with the designated administrative support staff and data entry staff will make appropriate corrections. Data entry staff uses an Update Audit Report to verify accepted transactions and corrects errors. The document is then returned to the administrative support staff with an updated PCS printout. The administrative support staff performs quality control by reviewing the changes for accuracy and updates the Violation Summary Log to reflect the receipt of information. If data changes need to be made as a result of the review, the administrative support staff will complete the necessary code sheets and route to the data entry staff. When

a quality control check has been completed by the administrative support staff, the documents will be forwarded to the permittee's Record Services file.

The Water Quality Team staff will also notify the administrative support staff within five (5) days of termination of an AO. The administrative support staff will update PCS and the Violation Summary Log as described above. In addition to AO or AFJ requirements, the Water Quality staff will forward information regarding phone calls for incomplete/deficient DMRs, warning letters, requests for delinquent schedule reports, and enforcement meeting or phone conferences to the Database and Administration Team who will then enter this information in PCS. This information will be processed as described above.

F. SINGLE EVENT DATA

This data type includes information describing violations not related to other families of data such as violations detected during inspection, unauthorized discharges, etc. When single event violations are created in PCS, the administrative support staff also enters the corresponding enforcement action at the same time.

Noncompliance Notification

Unless specified otherwise, any noncompliance which may endanger human health or safety, or the environment must be reported to the TNRCC. Report of such information must be provided orally or by facsimile transmission (FAX) to the Region Office within twenty-four

(24) hours of becoming aware of the noncompliance. A written submission of such information must also be provided to the Region Office and to Water Quality Team of the Enforcement Division within five (5) working days of becoming aware of the noncompliance. The written submission must contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

An unauthorized discharge is considered to be any discharge of wastewater into waters in the state at any location not permitted as an outfall or otherwise defined in the permit. Unauthorized discharges, unauthorized bypasses and unauthorized sanitary sewer overflows must be reported to the Commission as described above.

Notwithstanding any of the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% must be reported in writing to the Regional Office and the Water Quality Team of the Enforcement Division within five (5) working days of becoming aware of the noncompliance.

Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, must be reported as promptly as possible. This requirement means to report these types of noncompliance on the DMR.

Processing of Written and Verbal Noncompliance & Unauthorized Discharge Reports

Noncompliance information reported verbally or by fax within twenty-four (24) hours will be documented either by receipt of the fax itself or by completing an Unauthorized Discharge Notification Form or Telephone Memo to the File forms or by entering the notification into a log or field notebook. For verbal notifications, the entity will be reminded to follow-up with a written notification.

Written noncompliance reports must be submitted within 5 days of the occurrence to the Region Office and to the Water Quality Team. Written noncompliance reports submitted by the entity will be forwarded to the Database and Administration Team where they are first sorted by major, significant minor, and 92-500 facilities. The written reports are then reviewed by the designated administrative support staff and processed as follows.

- a. The report is entered into the Violation Summary Log.
- b. The report is reviewed to be sure it contains all the required information.
- c. The report is reviewed for VRAC.
 1. If VRAC is exceeded, the report is forwarded to the Water Quality Team for consideration of formal administrative enforcement.
 2. If VRAC is not exceeded, the administrative support staff evaluates the current compliance status of the permittee and takes the appropriate action as indicated in the Enforcement Guidelines.
- d. If the administrative support staff receives noncompliance reports on a facility

currently under formal enforcement, the report is reviewed, entered on the Violation Summary Log and routed to the assigned Water Quality Team staff (regardless of VRAC).

- e. The Water Quality Team staff should be aware of new violations and any additional action planned by the administrative support staff and should concur on the intended action.
- f. The Water Quality Team staff will notify the administrative support staff of any enforcement action taken. The administrative support staff will complete a code sheet and forward to data entry staff for entry into PCS using PCS-ADE. The data entry staff will discuss any warning messages with the appropriate administrative support staff and make needed corrections. The data entry staff will then verify accepted transactions using the Update Audit Report and correct errors. When complete, the administrative support staff performs QC using an updated PCS report.
- g. When the administrative support staff completes an action, the type of action and the date are also entered on the Violation Summary Log.
- h. Copies of correspondence and the resulting action are initialed by the Water Quality Team staff and routed to the permittee's official Record Services file.

G. INSPECTION DATA

Inspections are conducted by the Region Office inspectors in the TNRCC Field Operations

Division (FOD). The purpose of these inspections is to evaluate the compliance status of regulated entities. Inspection data contains information related to the inspections at a facility, including the inspector, date of inspection, type of inspection, etc.

After conducting an inspection, the inspector completes and signs a compliance inspection report and a code sheet which is then reviewed and signed by the Region Water Program Manager or designee. The inspection report is forwarded along with a completed code sheet to the Central Office FOD where the code sheet is screened to verify certain data and access information for FOD tracking purposes. The inspection report and code sheet are then forwarded to the Database and Administration Team where it is date stamped and forwarded to the designated administrative support staff for review.

The inspection report is then reviewed by the administrative support staff for violations. All noted permit violations will be processed in accordance with the Enforcement Response Guide located in the Enforcement Guidelines. Any violations documented by the Region inspector will be noted in the Violation Summary Log by the administrative support staff and coded for entry into PCS (See Section F., Single Event Data).

A copy of the code sheet will then be forwarded to the data entry staff for PCS entry of required inspection data using PCS-ADE. The data entry staff uses an Update Audit Report to verify accepted transactions and correct any errors. The data entry staff returns the documents with an updated PCS printout to the administrative support staff to perform

quality control. The administrative support staff reviews the PCS printout against the inspection report to ensure PCS data is accurate and complete. If any corrections are needed, code sheets are completed and submitted to data entry. After the necessary corrections are made, the data entry staff returns the documents to the administrative support staff with an update PCS printout.

The administrative support staff will then forward the inspection report and code sheet to the Water Quality Team for review and/or action if the inspection report is for a permittee who is under Central Office formal enforcement action, the inspection report includes an enforcement action request (EAR) from the Region Office, or any of the violations cited require a formal enforcement action under SNC or the Enforcement Response Guide. Following review of the inspection report, the Water Quality Team will send the inspection report to Record Services for placement in the permittee's official agency file.

For inspection reports which do not require transmittal to the Water Quality Team, the administrative support staff will forward the inspection report and code sheet directly to Record Services for placement in the permittee's official agency file unless the Region has designated on the code sheet that the inspection report should be forwarded to other Commission staff for review and/or action prior to being sent to Record Services.

Permittee responses to an inspection are reviewed at the Region level. The Region Office will send the response along with a code sheet to the Central Office of FOD. The response and

code sheet will be processed and routed in the same manner as inspection reports. The final destination of the response and code sheet will be Record Services for placement in the permittee's official agency file.

H. PRETREATMENT DATA

This data includes information from the Pretreatment Compliance Inspection, Pretreatment Audit, and information from the annual report or the Pretreatment Performance Summary (PPS) submitted by a pretreatment facility. All Pretreatment Permits and Enforcement Tracking Systems (PPETS) data must be entered into PCS.

Pretreatment Audits and Annual Reports

The Central Office Pretreatment Program Team will conduct pretreatment audits for permittees with approved pretreatment programs to evaluate compliance with pretreatment requirements. After the audit is conducted or upon receipt of the Annual Report, the Pretreatment Program Team staff will complete the necessary code sheet and forward to the Database and Administration Team data entry staff for entry into PCS using PCS-ADE. Data entry staff will discuss any warning messages with the Pretreatment Program staff and make needed corrections. Data entry staff then uses the Update Audit Report to verify accepted transactions and correct errors. The code sheet and an updated PCS print out are then forwarded to the designated administrative support staff to perform quality control.

For audit reports which do not require transmittal to the Water Quality Team, the Pretreatment Team staff will send the audit report directly to Records Services for placement in the permittee's official agency file. Upon receiving a request from EPA, the pretreatment audit reports will be forwarded from the Pretreatment Team to EPA within 90 days of completion of the reports.

If violations are noted by the pretreatment staff that are significantly noncompliant (SNC) and/or exceed VRAC (See Appendix C, Technical Review Criteria) or if the audit report is for a permittee that is under formal enforcement action, the audit report will be forwarded to the Water Quality Team for review and/or action. The designated Water Quality Team staff will notify the Database and Administration Team administrative support staff of any intended administrative action by submitting a code sheet for entry into PCS using PCS-ADE and the Violation Summary Log as described in Section II. E., Enforcement Action Data. The Water Quality Team staff will then route the audit report to the permittee's Record Services file.

Pretreatment Compliance Inspection (PCIs)

After conducting an inspection, the inspector completes and signs a compliance inspection report and a code sheet which is then reviewed and signed by the Region Water Program Manager or designee. The inspection report is forwarded along with a completed code sheet to the Central Office FOD where the code sheet is screened to verify certain data and access information for FOD tracking purposes. The inspection report and code sheet are then forwarded to the Database and Administration Team.

The inspection report is date stamped and then reviewed by the designated administrative support staff. All noted permit violations will be processed in accordance with the Enforcement Response Guide located in the Enforcement Guidelines (See Appendix B, Enforcement Response Guide). Any violations documented by the Region inspector will be noted in the Violation Summary Log by the administrative support staff.

A copy of the code sheet will then be forwarded to the data entry staff for PCS entry of required inspection data using PCS-ADE. The data entry staff uses an Update Audit Report to verify accepted transactions and correct any errors. The data entry staff returns the documents with an updated PCS printout to the administrative support staff to perform quality control. The administrative support staff reviews the PCS printout against the inspection report to ensure PCS data is accurate and complete. If any corrections are needed, code sheets are completed and submitted to data entry. After the necessary corrections are made, the data entry staff returns the documents to the administrative support staff with an updated PCS printout.

For inspection reports which do not require transmittal to the Water Quality Team, the administrative support staff will send the inspection report and code sheet directly to Record Services for placement in the permittee's official agency file unless the Region has designated on the code sheet that the inspection report should be forwarded to other Commission staff for review and/or action prior to being sent to Record Services.

The administrative support staff will then forward the inspection report and code sheet to the Water Quality Team for review and/or action if the inspection report is for a permittee who is under Central Office formal enforcement action, the inspection report includes an enforcement action request (EAR) from the Region Office, or any of the violations cited require a formal enforcement action under SNC or the Enforcement Response Guide. Following review of the inspection report, the Water Quality Team will send the inspection report to Record Services for placement in the permittee's official agency file.

The PCS system is not capable of performing a review of the pretreatment data for generation of a Significant Noncompliance (SNC) Report, except for non-submittal of annual reports. For SNC violations other than report non-submittal, the designated Water Quality Team staff must submit the appropriate code sheet to the administrative support staff for entry into the Violation Summary Log and into PCS, allowing the facility to be identified on the QNCR as well as for initiation of formal enforcement action (See Section II.F, Single Event Data.).

Semi-Annual Industrial User Reports

The Database and Administration Team is responsible for monitoring significant categorical and non-categorical industrial users (IUs) in non-pretreatment cities. Receipt of these reports will be entered into the database, which has been established and is currently maintained by EPA, within 60 days of receipt of the reports. If violations are noted that are significantly noncompliant (SNC) and/or exceed VRAC, or if the facility is under formal enforcement action, the report will be forwarded to the Water Quality Team for action. The designated

Water Quality Team staff will notify the Database and Administration Team administrative support staff of any intended enforcement action for entry in the IU database and on the Violation Summary Log as described in Section II., El., Enforcement Action Data. The Water Quality Team will then route the report to the Record Services file.

I. SLUDGE MANAGEMENT DATA

Domestic wastewater treatment plants will be required to submit sludge management information to the Commission on an annual basis. This information will be used to track sludge from its generation at the wastewater treatment plant through final disposal. The reporting requirements will include at least the following information:

- Results of tests performed for pollutants as appropriate for the permittee's land application practices;
- The frequency of monitoring which applies to the permittee;
- Toxicity Characteristic Leaching Procedure (TCLP) results;
- Identity of hauler(s) and TNRCC transporter number;
- PCB concentration in sludge in mg/kg;
- Date(s) of disposal;
- Owner of the disposal site(s);
- Texas Natural Resource Conservation Commission registration number, if applicable;
- Amount of sludge disposal in dry weight (lbs/acre) and dry weight tons at each site;
- The concentration (mg/kg) in the sludge of applicable pollutants as well as the applicable pollutant concentration criteria (mg/kg) or the applicable pollutant loading

rate limit (lbs/acre) if it exceeds 90% of the limit;

- Level of pathogen reduction achieved (Class A or Class B);
- Alternative used and description of how the pathogen reduction requirements are met;
- Vector attraction reduction alternative used;
- Annual sludge production in dry tons/year;
- Amount of sludge land applied in dry tons/year;
- The certification statement as applicable to the permittee's sludge treatment activities;

and

- When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate, the permittee shall report the location, number of acres in each site on which bulk sewage sludge is applied, the date and time of bulk sewage is applied to each site, the cumulative amount of each pollutant (pounds/acre) in the bulk sewage sludge applied to each site, and the amount of sewage sludge (dry tons) applied to each site.

Sludge management data will be entered into PCS for the data fields established by EPA. DMRs containing sludge data will be processed in accordance with the procedures outlined in Section C., Discharge Monitoring Reports (DMRs) Data. The semi-annual and annual noncompliance reports required by 40 CFR 123.45 will be included on the QNCR prepared by the Database and Administration Team.

Each person holding a registration or permit to treat, process and/or dispose of sewage sludge or water treatment sludge, including all persons holding a permit allowing the treatment,

discharge, or disposal of sewage sludge or water treatment sludge, is required to file a report by February 19 of each year with the TNRCC indicating the weight of dry solids disposed of throughout the year.

J. ADMINISTRATIVE FILE REVIEW

The administrative file review is an important element of PCS maintenance. It is an annual review of the Record Services file and is often the only opportunity to review the overall compliance status of a permittee. It is also used as a quality control measure for reviewing all facility level data stored in PCS on each permittee to ensure the accuracy of data in the database.

Each designated administrative support staff knows in advance how frequently his/her files must be reviewed. By setting up a calendar the administrative support staff member can meet this goal and organize the work accordingly.

Review Procedures

The administrative support staff will request a Facility Report printout from PCS one week prior to the scheduled review. The Facility Report is used to:

1. Research the permit.
 - a. Check the effective date on the permit against the facility report to insure that PCS is current.
 - b. Check the expiration date on the permit and confirm with the Wastewater

Permits Section Applications Team that a permit renewal application has been received if the permit will expire within six (6) months.

- c. Review outfall data to confirm operational status.
2. Review the permittee's schedule of compliance.
- a. Compare the compliance schedule listed in the Facility Report against the current compliance schedule in the permit or any schedules contained in any formal enforcement actions. Any discrepancies between the Facility Report and the enforcement action(s) must be researched and the necessary corrections made.
 - b. If there are any delinquent compliance schedule reports from formal enforcement action(s), the designated Water Quality Team staff must be informed of the violation. If there are delinquent compliance reports from a permitted compliance schedule, the administrative support staff will request the delinquent report immediately.
3. Review the Discharge Monitoring Reports (DMRs)
- a. Ensure all DMRs have been received and are complete. If not, request the delinquent reports or the omitted data through written correspondence.
 - b. Check the DMR for completeness.
 - 1. Has a DMR been received for each reporting period?
 - 2. Has a DMR been received for each outfall or combination of outfalls?
 - 3. Are the DMRs complete? Are the required parameter values included?
 - 4. Were frequency of analyses and sample type reported? Do they agree

with the permit requirements?

5. Has the permittee made changes to the permit limits on the DMR? If so, determine why the change was made. If PCS is incorrect, complete the necessary code sheets and submit to the data entry staff for entry into PCS. If the permittee is in error, notify the permittee of the error and what the correct limits are.
6. Were the forms signed by the principal executive officer or an authorized agent of the permittee?
7. Are the DMR forms being received on time?

- c. Ensure that all VRAC violations have been addressed by the Water Quality Team.

4. Review the Noncompliance Reports

Ensure that all noncompliances have been listed on the Violation Summary Log and have been addressed.

5. Review the Inspection Data

Ensure that the inspection data is entered correctly into PCS. Confirm that data from inspection reports is in agreement with PCS inspection data.

6. Review Correspondence

- a. Confirm that all correspondence from the permittee has been reviewed and responded to when necessary.
- b. Confirm that all TNRCC correspondence has been responded to when a written response from the permittee was requested.

7. Review Enforcement Data

All enforcement actions taken must be coded or screened for PCS data entry by the administrative support staff and Q.C. measures must be taken by both the administrative support staff and the data entry staff to ensure the data is entered correctly.

8. Review the Pretreatment Data

Ensure that any pretreatment audit and annual pretreatment report data has been entered correctly into PCS from the code sheets provided.

Completion of Review

If a deficiency or violation is noted during the review process, confirm that the information was entered on the Violation Summary Log and PCS.

If all noted discrepancies are of an administrative nature, the appropriate letter will be drafted by the administrative support staff to resolve the problem. Any missing information will also be requested. If formal enforcement action is pending, all correspondence initiated by the administrative support staff will be coordinated with the assigned Water Quality Team staff. If the violations meet or exceed VRAC, the file will be routed to the Water Quality Team for review and appropriate action. If any changes to PCS are needed as a result of the administrative file review, the administrative support staff will submit the appropriate code sheets to the data entry staff.

K. VIOLATION SUMMARY LOG (VSL)

The Violation Summary Log is a record which is maintained for all TPDES permit violations which occur. An example of the VSL form is shown in Appendix A, Sample Reports/Logs.

The following is a tabulation of the components of the record and their definitions and usages:

Procedures for Maintaining and Using the Summary

The Violation Summary Log (VSL) is to be used for all violations. The log should be kept current with information entered on a daily or routine basis as events occur so the documents can be expeditiously routed to the appropriate individual for review and action.

The computer format as designed for the summary must be used. The Summary is to be reviewed by the PCS Database Administrator routinely or at least annually. In reviewing the report, the PCS Database Administrator need only sign the cover sheet of the print out, or the last item in the summary indicating concurrence with all action (or lack of action) prescribed on the computer printout. If desired, all entries may be initiated in lieu of a complete signature.

A hard copy of the Violation Summary Log is to be kept in the permittee's official Central Record file. This means that the Commission may detach summary information from the printout on each permittee and attach it to the permittee's official Records Services file (replacing sheets as information is periodically updated), or maintain a separate computer report in the place where the official compliance files are kept. The computer record as well

as the print out must be readily accessible for use in enforcement evaluation procedures. Multiple copies of the printout may be necessary to meet the requirement of "readily accessible".

Components of the Form

1. TNRCC/TPDES Permit Number - Self explanatory.
2. Name and Location - This should be the correct facility name as it is entered on the permit and in PCS. The location of the facility should be sufficiently descriptive so that the reader knows specifically which facility is involved.
3. Major/Minor Indicator - Self explanatory.
4. Municipal/Industrial/Federal/State Indicator - Self explanatory.
5. Date of Violation - The month, day and year the violation actually occurred. If it is a violation of a 30-day average, then the date would show only the month and year of the violation. Additionally, for violations shown on DMR forms, the date the DMR form was due at the regulatory agency should be given in parenthesis. If it is a violation relating to a missing or incomplete report, then it is the date the report was due at the regulatory agency.
6. Type of Violation - All violations should be entered, even if they are below the screening criteria of the VRAC or are of such a low priority that no enforcement response is possible with available resources. They should be abbreviated and specific. If there are violations of effluent limits, the specific parameters should be indicated.

7. Commission Responses - This should be a substantial list of each response to the particular violation from the initial action to the formal closure (i.e. - Telephone Memo to the File, Warning Letter, Enforcement Order).
8. Date of Response - This should be the month, day, and year the response was actually made (i.e. - in the case of a Telephone Memo to the File, the date the call was made, in the case of a Enforcement Order, the date the Order was issued (signature date).
9. Person Initiating Response - This should be the name of the individual who initiated the particular action. This may be an administrative support staff person or Regional inspector in the case of a Telephone Memo to the File or a Warning Letter; or this may be designated Water Quality Team staff in the case of an AO.
10. Due Date - This should be the date that the permittee is due to respond to the Commission in accordance with the action taken. This could be the date the permittee promised an administrative support staff person or Regional Office investigator that a DMR form would be submitted or an inspection deficiency/violation is corrected or a date by which compliance is required by an Enforcement Order.
11. Status - This should reflect the permittee's level of compliance during the resolution of the individual case.
12. Persons Reviewing the Form - The VSL should be reviewed by the PCS Database Administrator. This may be done after each action is initiated. If no action is initiated during a fiscal year, the major entities will be reviewed at least annually.
13. Comments - Additional remarks may be added across the form between the specific violations, or in the comment/status column.

III. QUALITY ASSURANCE AND QUALITY CONTROL PROCEDURES

All entries into PCS will be controlled for accuracy. After all data is entered, it will be verified by another data entry staff member or the administrative support staff. Any inaccuracies will be referred to the original data entry staff member for correction. The Database and Administration Team will also use specific reports to perform Quality Assurance and Quality Control (QA/QC), including the Facility Report, Violation Report, Limit Summary, etc. A QA/QC document detailing all QA/QC procedures will be developed within six months of delegation.

IV. PREPARATION OF THE QUARTERLY NONCOMPLIANCE REPORT (QNCR)

The TNRCC is required to submit for major facilities a Quarterly Noncompliance Report (QNCR) consistent with the requirements and time frames outlined in the Guidance for Preparation of Quarterly and Semi-Annual Noncompliance Reports (See Appendix D). The QNCR is prepared using the DMR data and other compliance data that are entered into PCS. It is submitted to EPA no later than the tenth (10th) calendar day of the month the QNCR is due to headquarters.

Prior to a permittee appearing on the subsequent QNCR for the same instance of significant noncompliance, the permittee should either be in compliance or the TNRCC should have initiated formal enforcement action (within 60 days of the first QNCR) to achieve permanent compliance. EPA will verify the accuracy and completeness of the QNCR at periodic intervals. In rare circumstances where formal enforcement action is not taken, the Water Quality Team will have a

written record that clearly justifies why an alternative course of action was considered more appropriate. An Exceptions List describing why formal enforcement action was not taken will be prepared and submitted to EPA by the fifteenth (15th) calendar day of the month the QNCR is due to headquarters.

V. PREPARATION OF THE REPORT FOR ENFORCEMENT AND COMPLIANCE ASSURANCE PRIORITIES (RECAP)

The Report for Enforcement and Compliance Assurance Priorities (RECAP) is a statistical summary on the number of major permittees with two or more violations of the same monthly average permit limitation in a six-month period, including violations reported on the QNCR. This report is prepared and submitted to EPA no later than the tenth (10th) calendar day of the month the first and third quarter QNCRs are due to headquarters.